

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

TANYA SILVA,

Plaintiff,

v.

No. 15-cv-1046 MCA/SMV

**BOARD OF COUNTY COMMISSIONERS
FOR THE COUNTY OF ROOSEVELT,
ROOSEVELT COUNTY ADULT DETENTION CENTER,
DAVID CASINOVA, DREW WHITE,
CAMERON RIDENOUR, DIVINE ALCANZO,
JANE-JOHN DOES 1-5, AND JANE-JOHN DOES 6-10,**

Defendants.

ORDER AWARDING EXPENSES UNDER RULE 16(f)

THIS MATTER is before the Court on Defendants' Affidavit of Fees and Costs [Doc. 52], filed on December 19, 2016. Defendants appeared at an in-person motions hearing on November 28, 2016. [Doc. 43]. However, Plaintiff's counsel, Anna C. Martinez, failed to appear. *Id.* The Court ordered Ms. Martinez to show cause at another in-person hearing on December 12, 2016, why she should not be held in contempt or otherwise sanctioned for her failure to appear on November 28, 2016. [Docs. 44, 45]. Ms. Martinez appeared on December 12, 2016, and on consideration of her argument, the relevant law, and being otherwise fully advised in the premises, the Court determined that sanctions, in the form of an award of expenses to Defendants, were appropriate. [Doc. 51] (citing Fed. R. Civ. P. 16(f)(1)(A), (16)(f)(1)(B), 16(f)(2)).

Defendants filed their affidavit of such expenses on December 19, 2016. [Doc. 52]. No objection to the amount or reasonableness of the expenses claimed has been filed, and the time for objecting has passed. Further, the Court determines that \$182.20 is reasonable.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that **no later than February 3, 2017**, counsel for Plaintiff, Anna C. Martinez, pay Defendants \$182.20, which is the reasonable expenses incurred in attending the in-person hearing scheduled for November 28, 2016. *See* Fed. R. Civ. P. 16(f)(1)(A), (16)(f)(1)(B), 16(f)(2).

Plaintiff and her counsel are admonished that any further failure to comply with the rules of procedure or orders of this Court may result in further sanctions, up to and including dismissal of the case with prejudice. *See Ehrenhaus v. Reynolds*, 965 F.2d 916, 921 (10th Cir. 1992).

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge